

# Democracy and Slavery.

## SPEECH

OF THE

Hon. BURT VAN HORN,

OF

NIAGARA COUNTY.

IN ASSEMBLY, February 18th, 1858.

Mr. CHAIRMAN—For a few days past, the Democratic part of this House have seemed to desire that the Governor's Message should pass by, and receive no further attention at our hands—especially that portion of it more directly of interest at the present moment to the people. I have no desire to force myself upon the attention of this body; but as I have not asked it heretofore, and have listened with great pleasure to all that has been said on various subjects of discussion, I venture upon its indulgence, with the assurance that the same attention will be reciprocated. Thus far, if I mistake not, nothing like inappropriate names or indecent epithets have fallen from the Republican side of this House, having reference to our Democratic friends; and, in the first instance, when Kansas and its concomitants appeared among us, it was presented us by gentlemen of the opposition. Resolutions rebuking the worthy Governor of this State for his wise and patriotic suggestions upon this absorbing topic, and references equally disreputable and unjust, have been made, which demand of us, who think as the Governor thinks, and feel as he feels, to defend his position, and sustain the position of the Republican party upon the question of which that portion of the Message under consideration treats. Several gentlemen have treated us, on different occasions, with remarks which, although not at all unpalatable to us, yet none the more creditable to them, by speaking of the party having the plurality on this floor, and the majority in this State, as *colored Republicans*, and repeating it until all were convinced of the character of the feeling that instigated and controlled the remark.

If it be the desire of the opposition to create in us a dislike for them, which shall greatly interrupt our otherwise pleasant association together as honorable and courteous gentlemen, let the responsibility rest where it belongs. I

have no desire to be thus situated. What claims gentlemen who have been quite prolific in their epithets against the Republican party have, that they belong to, or have descended from, a *whiter* race, than we represent, I am as yet unable to discover. I can see no lovely characteristics, peculiar to them, that we do not possess, unless it be that we differ in embodying more substantial political *honesty*, and a greater attachment to the distinctive truths that are the sure basis of a just and free government; while, on the other hand, we have no disposition to aspire to very many embellishments that render present Democracy the object of a world's attention.

If to be an advocate of the great principles of Human Liberty, as opposed to oppression; if to be supporters of the sublime doctrines of the Declaration whose inspiration guided every blow of the Revolution and nerved every patriot heart; if to claim, indeed, that the Democratic doctrine of Squatter Sovereignty, in all its *length and breadth*, shall apply to the present struggle between Liberty and Slavery, in Kansas, is to be a *black, or colored Republican*, as pleases gentlemen, then we cheerfully accept the title, but give no credit whatever to gentlemen for its origin.

I refer, with pride and pleasure, to the record, to show that we have given no occasion for such an onslaught upon the proprieties and decorum of this body. And I hope, Sir, that I shall not fall into the same pit I find the opposition have fallen into; but, while I shall speak plainly my views upon a portion of the Message at this time, I shall endeavor to deal strictly with the truth, and have a regard to the kind reciprocities that have, in the main, characterised this session to the present time.

Were it not that I ardently desire to see the principles of Human Freedom established within all our borders, and sustained upon this floor; that our self-respect and the free sentiment of

this State demand a defence of these principles—I would still desist, and let other gentlemen occupy the time; but, in view of these and other weighty considerations, I ask your indulgence and forbearance. I am glad, Sir, that we have a man at the head of the Government of this great State, who, with all the considerations of place and power before his eyes, can openly and boldly rebuke the abuse of that position, and who will plant himself upon the immutable principles of truth, and give them the weight and character of his position. A Senator arose in his place the other day in the upper House, upon the reading of the Message, as well as a gentleman upon this floor upon a like occasion, and took liberty, by speech and resolution, to rebuke the Governor for his declarations about the chief Executive of this nation, as connected with the condition of Kansas affairs—contending that such open declarations were unbecoming the chief Executive of this great State; holding the ground, I suppose, that because at the head of the Government, by the suffrages of the people, whose servant he is, he should be silent upon any question touching the position of the chief Executive of the Nation. Now, Sir, I do not stand here so much to defend the Governor in his very just remark, for I think he needs no defence; but, I will ask, who has a better right or more unquestioned privilege than the Executive, unless it be the representatives upon this floor; or who is better able to defend the integrity and the character of the Empire State, as connected with the National interest, than the man who dignifies and honors the Executive chair of this Commonwealth? Surely none. Gentlemen lay great stress, too, upon the declaration that this is no place for this discussion, and that these issues are irrelevant to the duties and obligations of this body. The State of New York being a vital part of this great political body—the Union—is sensibly affected when the sword enters the great heart, the centre of life and power, and from which springs and flows out, into every extremity, the vital current of its existence. The battle-ground of this question of Freedom is everywhere. It is here in this Hall; and when the dark day comes that the Assembly of New York shall feel itself demanded or disgraced by holding up and protecting the sublime doctrines of the Declaration, and the principles of free government, then let the mysterious hand of retribution write upon the wall its destiny of ruin. Then let the brightest star in our galaxy be blotted out, as unworthy the splendor and glory of its position. But I have faith this day will never come. I have too great confidence in the heart, if not the head, of our people, to believe they will ever fill this Hall with any such men as will ignore the fundamental elements of our free institutions, or restrict or stifle debate upon any of the questions that grow out of such principles.

But what is the Governor's position upon this question? It is the honest conviction expressed, that lies down deep in every honest man's heart, of all political parties in this land, to say the least; and, if allowed to give free and full language, would be but a duplicate of that part of the Message under consideration; but which is so smothered and restrained by a thousand considerations that cluster around men's political positions, that they are not, all of them, alto-

gether honest with their convictions of the truth.

It is nothing new, Sir, for this body to take the position that the Message indicates, or to avow its doctrines; it has done it before, and, if we desire to express the sentiments of a great majority of the freemen of New York, we shall do it again. Let not gentlemen flatter themselves that New York has changed front, and abandoned the position she so nobly held in 1856, by giving a temporary success to the Democracy last Fall, as declared repeatedly upon this floor; for such a result was *not* so much the effect of enlightened and efficient effort, as of a careless and unjustifiable inaction. It only needs the opportunity, and the whole mass of Pro-Slavery Democracy, which is being tried by the fires of its own kindling, and which is so signalily disappointing its friends even, and utterly disregarding its promises to stand by the people's rights, and secure a free and open expression of their opinion, will be wrapped in one universal storm of rebuke. The foundation element of the Republican principle is greatly in the ascendant to-day, and can no more be confined, in the Empire State, than you can dam up the irresistible waters of Niagara's torrent with a straw. The freemen of New York are ready, now, to sustain the position our distinguished Senators and Representatives in Congress occupied, and so ably sustained, when the Kansas-Nebraska Act was under discussion in that body—which was, that Congress had a right, and it was its duty, to see to and regulate the domestic affairs of the Territories under its control, or "to make all needful rules and regulations for the government of the Territories."

But, sir, as I propose in this discussion, to hold our Democratic friends to the principles of Squatter Sovereignty, as applicable to the very Territory out of the fortunes of which it sprang, and lest I may be thought to be converted to that doctrine, allow me for a moment to speak of the existing Republican sentiment in opposition to it. The Governor has very wisely remarked that "Slavery in the States where it exists, exists by virtue of the local law alone, and that it neither exists nor is confirmed there nor anywhere by the force and effect of the Constitution of the United States," clearly implying the Republican doctrine that in Congress rests the complete power over the subject in the Territories, by virtue of the right to acquire, hold and govern them. Although not directly upon the matter I desire to bring out in these remarks, I wish to refer to this principle of power and control on the part of Congress, more especially for the benefit of several gentlemen who are so loud in their praise of Squatter Sovereignty.

"The right in Congress to govern, is in identical and necessary to the right to acquire and hold Territory;" a doctrine lying as one of the foundation stones of the party of Freedom in this land, but which has been sustained I confess with far more ability than I am able to bring to its discussion. I might add here too, as relevant to this point, that this is no new doctrine. It is as old as the Constitution. Yet, more, it was enunciated by the Fathers of the Republic before the adoption of that instrument, and, indeed, it occupied a prominent place in the discussions incidental to its adoption.

Whoever will examine the records of those times, will find that Madison and Jefferson, who understood well the views of the people then, and who imbibed the controlling and universal spirit of the day, planted themselves directly and squarely upon this principle of power and control, and early introduced measures that had that direct object in view.

The ablest expounders of law and constitutional rights our country ever had, and whose opinions are preserved with great care and just pride, are among the most ardent supporters of this doctrine. Story says:—"The general government possesses the right to acquire Territory either by conquest or by treaty; it would seem to follow as an inevitable consequence that it possesses power to govern what it has so acquired. The Territory does not when so acquired become entitled to self-government, and is not subject to the jurisdiction of any State; it must consequently be under the dominion and jurisdiction of the Union, or it would be without any government at all." Again he says: "They do not participate in political power nor can they share in the powers of the General Government, until they become a State, and are admitted into the Union as such. Until that period, the Territory remains subject to be governed in such manner as Congress shall direct, under clause of the Constitution now under consideration." He continues, "No one has ever doubted the authority of Congress to erect Territorial Governments within the Territory of the United States under the general language of the clause to make all needful rules and regulations. What shall be the form of government established in the Territories, depends exclusively upon the discretion of Congress." Kent declares the same doctrine in his Commentaries, volume 1, page 360. Rawle in his work on the Constitution, and Sargeant's constitutional law, both take the same high ground in regard to this power over the Territories, all of which opinions have been held as the chief anchors to our ship in all the early storms, that have swept over the great sea of our political existence.

All legislation until recently partook of the same element, and scarcely ever evinced any other thought. Let us examine the record.

As early as 1784 a committee was appointed, consisting of Jefferson, of Virginia; Chase, of Maryland; and Howell, of Rhode Island, who reported a bill for the temporary government of the Territory ceded to the United States by Virginia, and applicable to all the Territory then belonging to the United States. That plan, after providing for the formation of new States from said Territory, embraced this provision—(which was to apply to all Territory then "ceded or to be ceded from any State")—"That after the year 1800 of the Christian Era, there shall be neither Slavery nor involuntary servitude, in any of said States, otherwise than in punishment of crime, whereof the party shall have been convicted to have been personally guilty." That provision was lost, it requiring the vote of seven, and receiving only six States to three against it. The vote of the States was two to one, and of the delegates more than two to one in its favor, but under the articles of confederation, as you all know, the majority of all the States was required to retain the provision. But, sir, if that doctrine, which was the sentiment of

the majority then, had obtained, and the great thought of Jefferson had been practically carried out, "which embraced all the Territory belonging to the General Government between the 31st parallel, the boundary between the United States and the Spanish province of Florida on the South, to the 42d parallel, the boundary between this country and the British possessions on the North," what a change should we now witness from what does really exist? Several States now groaning under the weight of their own chosen curse, withering away beneath the blasting touch of degradation and death, would have stood out among the sisterhood of States, in all the glory and beauty that adorn our free institutions, and shed a radiance over all our hopes. In 1787 this doctrine was acknowledged again, and applied to the Territory Northwest of the Ohio River, stipulating that new States might be formed and admitted upon reasonable conditions, but forever prohibiting involuntary servitude except in punishment of crime. In accordance with this provision, and in consonance with the acknowledged right of Congress to exercise this power, State after State has sprung out of that vast wilderness, the very offsprings of this legislative power, as civilization has marched onward in its conquering career, until that portion of our great Commonwealth, as the result of that early legislation in favor of Freedom, and in agreement of the spirit of the Constitution, is justly the wonder and pride of our race. In 1845 we again recognized this doctrine, in providing that all that part of Texas North of 36° 30' should be forever free from the curse of Slavery.

In 1848 the same legislative control settled the destiny of Oregon Territory, and started it on in its brilliant career of hope and happiness, free from the stain of human bondage. Such was the stability and settled course of legislation in regard to this question, from the early days of the Republic, to the time of the passage of the Kansas Nebraska act.

And still an honorable Senator states in his speech, in substance, that such was the *instability* and the condition of things, the government vibrating back and forth from Compromise to Compromise upon this vexed and difficult question, that Mr. Cass, Buchanan & Co. put their heads together, to seek out or discover some great controlling principle, around which legislation might revolve as one great common centre, and upon which the government might rest and feel itself secure. The issue of this great travail and labor was "Squatter Sovereignty." I wonder that the celestial messengers appointed to sing psalms of joy and triumph over the miraculous and wonderful manifestations of the sublime in political invention, did not strike their notes, and sound aloud that the world might hear, and joy over the wonderful production.

But supposing for the sake of the argument, that this were the pause for all our troubles, what assurance have we that something else will not supersede it, as in the physical world, one nostrum must give way to another in its turn. Let us see. The Democracy talked loud and long in favor of the compromise measures of 1850, declaring them a finality, and pronouncing their anathemas in advance against any one who should dare to disturb the repose it was vainly hoped, they would bring to the country.

In 1852, they sent forth their resolves from their National Convention, to the same effect, and reiterated by the President in his first annual message to the country, pledging themselves in this language—"That the Democratic Party will resist all attempts at renewing in Congress or out of it, the agitation of the Slavery question under whatever shape or color the attempt may be made." This is remarkably pointed language. But in 1854, two years after, they sprung upon the country the Kansas Nebraska act, made up with the very elements of agitation, and which, upheaving the vast deep of the country's apparent repose, came nigh submerging us beneath one great sea of desolation and ruin. Such, sir, was our departure from the ancient and settled policy of the country, and the idea that the Republican Party has abandoned that policy, or their cardinal doctrines, and gone in for the support of Squatter Sovereignty as a finality, as some tell us, is a political ruse, intended to discourage the weak and unstable—it has no foundation in fact.

I come now to the more direct question before us, of which the message speaks, and its treatment by the Democratic Party.

Because, forsooth, the believers in the true faith (I mean of course Republicans,) applaud Mr. Douglas for his self-consistency and apparent honesty, to say the least, in the course he has marked out and is pursuing in the Senate of the United States, is no reason that they have any too high regard for his ultimate purpose, or that they are any more the advocates of popular Sovereignty. Since the Jeffersonian doctrine of control and restriction is abandoned, in the case of unfortunate Kansas, and since we are to act under the popular will doctrine, let us have a full and free expression of that will, unchained and entirely free; let it be spoken out, and protected by all those safeguards guaranteed to all our fellow-citizens, and more, by the execution of every pledge given them by the chief Executive of this nation. The largest plank in the Cincinnati platform, in 1856, upon which Mr. Buchanan was placed as the great head and front of his party, was the doctrine of the Kansas-Nebraska Act, which left the people or actual settlers perfectly free to regulate their own institutions and form their own government, protected by the General Government in the exercise of those rights, subject only to the Constitution of the United States; and at a proper time, upon complying with reasonable condition, they might present themselves with a Constitution for admission as a sovereign State, if that Constitution was a fair and free expression of the people. Was not this the doctrine of that party then? Who dare deny it? Was not this the doctrine that overrode that sacred compact made in 1820, hallowed by the respect which the legislation of over thirty years had thrown around it; but which was too weak to withstand the swelling tide of Slavery propaganda and wrong. During the discussions incident to the passage of the Kansas Act, it was never contended by the Republican party, as represented in Congress, that, under its full and complete execution, Slavery would inevitably fasten itself upon Kansas, although such might be the result; but we believed then, as we do now, that if the National Administration would make it something more than a mere force, and

give anything like fair play to the Republican element there, or, in other and more direct terms, carry out and sustain the organic act of their territorial organization, Kansas would have long ere this been one of the stars in the galaxy of States—free in her institutions as the air of Heaven that sweeps her broad and extended landscapes. We advocated then, as we do now, that Congress should control the Territories—that "the right in Congress to control grows out of the right to acquire and hold territory;" or, in the language of the Republican platform, "The Constitution confers upon Congress sovereign power over the Territories of the United States for their government, and that, in the exercise of this power, it is both the right and duty of Congress to prohibit in the Territories those twin relics of barbarism, Polygamy and Slavery." And I hope, Sir, the Republican party will stand firm upon this position, whatever may oppose. But, if we cannot get all we ask, like true patriots and true Republicans we will get all we can. If we cannot throw around our fellow-citizens safeguards sufficient to secure all their rights, and secure to them and their posterity all the blessings of liberty we enjoy, we will nevertheless grant them all we can, and labor to protect them to the extent of our power.

With this view then, we ask the Democratic party, and the National Administration, not to belie with their actions, their heretofore outspoken and registered doctrines. We ask them no longer to occupy the ridiculous position of avowing before an intelligent people, the doctrines of free thought, free action, free speech, and having the power, do nothing to secure their efficiency, yes more, withhold the means and the power given them to secure the end and object of these doctrines. But such is the present position of the National Administration. It said give us the power, and we will secure to the people of Kansas a free expression upon all questions of policy that enter into and form a part of their discussions. Have they done it? Have they not by every art known only to expert operators, endeavored to keep out of sight and cover up a directly opposite course of conduct. Kansas has indeed become a political Golgotha, and if the skulls of the great men of the Democratic party who have been sent to govern it, lie not bleaching upon her rich fields and in her luxuriant valleys, it is not because the Administration, backed up by the pressure of an influence from a certain direction, has not done its part to secure this result. And this is the worst feature of the present condition of things.

I have not time to particularize here, but why has some of the best men of that party been treated so coldly, in the patriotic discharge of their duties, and their fixed instructions? Why have they been slaughtered when trying to give power and execution to the very foundation principle of the Cincinnati platform, and the Kansas act, a principle upon which Mr. Buchanan rode into power, and upon which the National Administration began to rear its pyramid of strength? The people of the country know why. They are daily learning the reason, as they see the mysterious hand of time writing the destiny of the present Administration, in living characters, not to be effaced. The fact is too evident, that if at first inclined otherwise, the

party in power are endeavoring to look two ways at once, to be upon your side and upon my side, (with all due deference to the intelligence of gentlemen,) and are trying to excuse themselves for not taking the high position, they pledged to hold, when they came into power. From the first there has been a steady departure from that position, until now, it is seemingly prepared to take any course to propitiate the favor of that giant interest, which has infused its poison into every part of the body politic, and which will turn upon its protector, like the venomous serpent, after having been warmed to life in the bosom of a friend, and sting unto death. Who wonders then that the Governor speaks as he does of the present Administration, at which some take exceptions? Do you wonder that he styles the submission of a single section of a Constitution only for the ratification of the people, when they demand action upon the whole, as a gross mockery of substantial popular sovereignty, when such a Constitution involves *all the rights and liberties of the people*? And still the President calls this a fair submission, and would give us to understand consequently, that the very letter and spirit of the Kansas-Nebraska act was sustained by such a course—when it is evident to him, as to the whole country, as revealed in the letter of Gov. Walker, and by a thousand other sources, that but a portion of the settlers are satisfied with such a submission—are at war with almost every section of said Constitution, and feel that it by no means embodies their sentiments upon scarcely any of the subjects it embraces. Popular Sovereignty! How beautiful are thy charms! How lovely are thy attributes!!

The government for a Territory should be based upon the popular will of its lawful inhabitants, subject to the Constitution, laws, treaties and compacts of the United States—its admission as a state should be voluntary, with a Constitution of their own choice, Republican in form, and not in conflict with the General Government. The necessity for this position to be assumed and sustained here and elsewhere, as suggested by the Governor, exists in the fact, that such appears not to be the aim and object of the present Administration—neither was it of the last. From the first effort to inaugurate a government in Kansas, ostensibly upon a free expression of the popular will, the people have been cheated out of their rights, and in every attempt on their part to secure those rights, they have been overcome by a horde of lawless desperadoes, without political privileges upon their soil, invested at times with the munitions of government even, and thus able more effectually to defeat the will of the people. Laws have been passed by those invaders and forced upon them, not Republican in character, unprecedented in the history of jurisprudence, and that reach deeper down into the degradation of crime than any that have ever before disgraced the statutes of any nation. Although this be the fact, and although a large majority of the actual settlers of that Territory were, and are now, known to be directly opposed to them,—although the best blood of our race has flowed forth upon that soil, in defence of the rights guaranteed to every one under the Constitution, and reiterated in the organic act of organization referred to; all these facts clearly set forth and sustained by authority

and under the direction of Congress—still the Administration, invested with full power, and under every obligation possible, has turned a deaf ear to the cry of redress, and by withholding, has permitted desperation and ruin to work its fearful results in the land.

A Senator has remarked, that this unfortunate result has been mainly brought about by the willfulness and design of the Free State men, instigated or backed up by the Republican party—desiring to keep this "*Bear on exhibition continually*" for party purposes and political effect. He says, "When you will, you won't," when there is an opportunity to strike for freedom, some inferior excuse is used by Republicans or Free State men to hide behind, in order to evade the question, and when there is no opportunity to effect our object, we are greatly exercised in favor of liberty. I must confess that such a statement, if made in good earnest, exhibits a very superficial view of the facts in the case. The laws forced upon them, recognizing and sustaining Slavery, all action under them would be unsatisfactory. Denied protection from the first in the exercise of their just rights, there has at no time been any hope or expectation of securing those rights by any effort they might make. The history of the struggle between the two opposing elements in Kansas, as evinced by the almost united testimony of those sent to govern that Territory, has been that the people, the actual settlers, those who were invested with the powers and obligations of real citizens, could not as high-minded and honorable men, submit to constitutional obligations and restraints, or to results and effects growing out of such obligations, in the framing of which they had no voice, and were forbidden to participate. And now again it is sought to force upon that unfortunate people, to complete the programme, the Lecompton Constitution—known to be opposed by a large majority of the inhabitants, devoid of all republican elements, and a violation of the organic act under which the Territory was organized. Does any gentleman take the ground that all is fair in the submission of this Constitution to the people, in the manner sustained by the President and his supporters? Is it not true, that while voting for the Constitution without Slavery, they were still voting and compelled to recognize it as one of the darling attributes of their political existence—besides sustaining other measures abhorrent to their better judgment, and with no foundation in the good sense and will of the people? Most certainly this is the true state of the case.

That Constitution declares in regard to Slavery, section first:—"The right of property is before and higher than any Constitutional sanction, and the right of the owner of a slave to such slave and its increase is the same, and inviolable, as the right of the owner of any property whatever." Section second:—"The Legislature shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners previous to emancipation, a full equivalent in money for the slaves so emancipated." Again, in providing how the vote on the Constitution shall be adjusted, it says further:—"If upon such examinations of said poll books it shall appear that a majority of the legal votes cast at said election be in favor of the Consti-

tution 'with no Slavery,' then the article providing for Slavery shall be stricken from this Constitution by the President of this Convention, and Slavery shall no longer exist in the State of Kansas (*except that the right of property in slaves now in this Territory shall in no manner be interfered with*)—a most beautiful correspondence of ideas indeed, to declare in the same sentence that Slavery shall not exist, and provide for its existence. Again, the Constitution in providing for future amendments, which cannot in any way be begun under the Constitution previous to 1864, says:—"Said delegates so elected shall meet within three months after said election for the purpose of revising, amending or changing the Constitution, but no alteration shall be made to affect the rights of property in the ownership of slaves."

It is a significant fact, too, in connection with the process of any alteration to the Constitution, that although it is provided that such alteration may take place after the year 1864, it would doubtless be long after that time before any amendment could be secured. "The Legislature elected after 1864 would not be elected till about 1866, and then it would have to submit the question to the people, and then the question would have to go before the new Legislature which would meet in 1868; and then the election would be called some time after that. So that upon this Constitution the Senate could not be changed in less than four years; an amendment could not be adopted regularly, fairly, under the Constitution prior to somewhere about 1870."

It is argued, however, by the President, and his friends reiterate it with a great deal of emphasis, that should the Lecompton Constitution pass and become the fundamental law of Kansas, as it would, that the people could alter it at their will, and as soon as they saw fit, upon the doctrine that the people should rule. This strange doctrine, indeed, for the President to use at this late day, after having ignored it thus far, in all the affairs of that Territory. But is his position true? Every Legislature is the creature of the Constitution, and derives its powers from the Constitution of the State. Admit Kansas upon the Lecompton Constitution, and the Legislature would be bound under the oath which they would be obliged to take to support it, previous to any action under it, to conform to all its provisions in regard to its amendment or repeal, as well as to it in any other matter of legislation. The Constitution would be the fundamental law of the State, as everywhere, and all legislation for alteration or repeal must conform to such law or would be of no binding force or effect. Hence the argument of the President falls to the ground, and the people of Kansas would be obliged to wait under the Constitution, for any alteration until the time prescribed in their Constitution as before stated, unless they resort to revolutionary means to accomplish such a righteous result.

Where then is the right to exclude Slavery? The submission of the Constitution is a mere pretense, while care has been taken to throw around the institution every bulwark of defence that ingenuity and chicanery could devise.

It is provided further, in substance, for the purpose of cutting off any future legislation, and holding the power against a majority of the people, that the laws in force at the framing of the

Constitution should exist and remain in full force until amended or repealed by the Legislature chosen under the provisions of the Constitution. Those horrid laws are familiar to the people of the whole country, and I need not repeat them here. But if they voted for the Constitution in either shape proposed by the Convention, they were compelled to swear allegiance to such laws, which not only recognised, but protected and fostered the very enormity at which they rebelled.

With the large number of Slaves already in the Territory, and the usual rate of increase under the beautiful arrangements of the peculiar institution for propagating the human chattle race, when I ask can the people expect to banish the institution from the soil. But supposing the people should arise in due time in their acknowledged strength, and asserting their just rights, so amend their Constitution as to abolish Slavery and involuntary servitude from among them—what then? Why, the Supreme Court comes in to the rescue, backed up by the President, and declares that the right of property in man or of the owner in his Slave is inviolable, and can in no way be interfered with by any enactments for his freedom, without the consent of his owner—a doctrine as adverse to the spirit of the Constitution, as truth is to error, and as oppressive as death to the hopes of life. Madison, himself, resisted this idea in the discussions incident to the forming of the Constitution, with all his strength, not willing that the remotest idea should be embodied in that instrument, of the right of property in man.

The people of Kansas understood well the hypocrisy of such a submission as proposed by the convention, and sustained by the Administration, and I do not wonder that the high-minded Walker turned in disgust and with loathing from the proposition, and rather retired from the field of his duties, than be a party to such diabolical treachery and usurpation. How does this course, on the part of the government, compare with the inducements held out by the President, to the actual settlers in Kansas to go forward in the patriotic discharge of their duties, as citizens, under the protection of the General Government, with every assurance of sympathy and support. They might, indeed, rest upon a faithful interpretation and execution of the Kansas act for such assurance, but they have had in addition to that the positive declaration of the President himself, that that act should be faithful carried out and executed. He says: "What a conception was it for Congress to apply this simple rule that a majority shall govern to the settlement of the question of domestic Slavery in the Territories." Again:—"It is the imperative and indispensable duty of the Government of the United States to secure to every resident inhabitant the free and independent expression of this opinion by his vote. This sacred right of each individual must be preserved." Again:—"The institutions of Kansas should be established by the vote of the people of Kansas, unawed and uninterrupted by force and fraud." And again:—"When such a Constitution shall be submitted to the people of the Territory they must be protected in the exercise of their right of voting for or against that instrument, and the fair expression of the popular will must not be interrupted by fraud or violence."

The President says nothing here about submitting a single section, but the *instrument* as a whole, undivided, an honest, fair submission—a submission that is in harmony with common sense and plighted faith. Has this been the result? Have these guarantees been executed by the President? Has the strong arm of executive power and influence been thrown around the peaceful citizens of that oppressed territory, to secure their constitutional rights? Certainly not. Almost every man sent to govern it has been recalled and divested of his official character and power, when in the course of events, following the dictates of an enlightened judgment and conscience, he has dared to recommend and carry out such measures as would tend towards a free expression of the popular will, against restriction of vested rights, and hostile to foreign interference.

The President, in his last message to Congress, urging the admission of Kansas with the Leecompton Constitution, basis his argument for the validity of the Convention that framed it, upon the action of the Territorial Legislature that called it together, overlooking or omitting the important fact, that a great majority of the actual inhabitants have never recognized that legislature as legal, constituted by foreign influence, and not by the popular will of the Territory.—The early usurpation of the government, by violence and fraud, the iniquitous legislation that followed, the test oaths, and the demon-like oppression that controlled the tribunals of justice, perverting the natural course of law and order—all are passed by by the President, and which is the great hinge upon which the argument turns.

A people that would submit to all this base usurpation, would be unworthy the name of *Americans*, and poor representatives of that high and commanding patriotism that threw off a foreign yoke of oppression, and stood forth to the world independent and free. It was an evil thought, too, of the President, that was suggested in his last message to Congress, that considerations of peace and order required them to disregard the rights of a few thousand citizens of Kansas, who have, up to this moment, resisted oppression and usurped power and its consequent cruel enactments, and listen to the demands of that ever insatiable interest of fourteen States of this Union, as opposed to the higher and nobler sentiments of freedom and humanity. And again, the false hope that such a course would allay the storm of agitation and bring to quiet all the political elements in and out of Kansas, is supremely ridiculous. The great fires that are burning now at the very heart of the Democratic party, would, by such a course, pervade the whole body, and consume all its vitality and strength. Such a wilful departure from good faith and sound Democracy could never be tolerated by the people at large, and instead of allaying agitation would increase it, and those dark clouds of which the President speaks, and so much fears, that are hovering over our country, would settle down upon him with such density, that the sunshine of life would never again brighten his political sky. What position more derogatory to a party, or more repugnant to the principles of self-government, than the one held by the present administration, as we have shown? This strange course on the part of the President,

is attempted to be explained or apologised for in several ways. Some say he is crazy, others that he is mad, while nearly all have come to the conclusion, that he is not at all the man they took him to be. However, this may be, some things are certain. He pursues his course against the better sense of his own party, against the proudest positions of his better and more vigorous days, and it must be, against his highest and most sacred convictions of truth and duty. Too great interests are to be hazarded, by stopping thus to apologise for such an unwarrantable course, or to frame specious arguments, by which to bolster up the sinking fortune of an old man, who has shown himself too weak for his position, and too little nerve to resist the growing opposition to constitutional rights and constitutional liberty. The Democratic party in 1856, were loud in their discussions, that Kansas could not be a Slave State under the Kansas act, and that Mr. Buchanan was pledged by every consideration of Democratic faith and former position, to give the people a fair expression, and the result would be, that she would be admitted as a Free State in spite of all opposition. Taking advantage of all the results of trickery and gross villainy, that have been perpetrated in the name and under the sanction of the government, the President *now* declares, that "Kansas is as much a Slave State as Georgia or South Carolina." Who is responsible for this treachery? Who has deceived the people? If no just principle is to be regarded, if no restraint is to be observed, and every man regardless of his neighbors vested rights, and those high and manly considerations that grow out of human responsibility, can rush onward in a course of irresponsible conduct, what will be the end.

Again it is claimed, sir, by the letter writers from the seat of government, that the occupancy of the seat held by the Speaker of this House by the will of his peers, (and which I hope will be honored by him during this session) while it is a triumph of the *soft* element of the Democracy of this State, is a pledge that New York will be true to her Democratic representatives in sustaining the Leecompton swindle. I think that our *American* friends can hardly subscribe to this doctrine, and thus be made the *means* of such endorsement; and can it be that the Democracy of this House, of this State, are ready to be sold and transferred over to their *would be masters*, upon such conditions? The hungry hoard of irresponsible office-seekers, that have been for weeks crowding the streets and avenues of the Federal city, ready to barter in their political commodities, such as positions, character and votes, I believe can never fulfill their contract, by bringing into the support of such high-handed and perfidious outrage many upon this floor, nor the vast masses of the Democracy of this State.

I am fully aware, however, of the tenacity with which men cling to party right or wrong, especially when the discipline is as *strong* and as *cruel* as that of the Democratic party at the present time. There is no manhood in such submission. I may listen to men's advice and suggestions, and be governed by their counsel if I deem it wise, but no man has a right to demand a complete surrender of my self-respect as a thinking being, my manhood or independence especially, when to do so, I must stifle

the confirmed convictions of an honest judgment and repudiate all my previous, declared and wide-spread opinions. I rejoice that the Democratic party are not all to be thus bound. Every touch of the wire is revealing this consoling fact, as it records some new outbreak of the political contagion that is raging with such fury among the Democracy of the land. Gentlemen may say then that they are sufficiently on record in favor of the views advanced. We are not to be deceived by this declaration. Now is the time when inclinations to do good, being weakened by the seductions of place and power, should be strengthened by the sympathy of the people, and when the good cheer of freemen from all our land should pour in upon our faithful servants, who are amid the storm and fury of political strife holding up the Constitution and liberties of our people with strong arms and giant hearts.

I had hoped before this to have heard a better defence upon this floor, of the National Democracy, by its supporters, for in its present critical condition it needs all the life and power that its most ardent friends can give it. It will not do to resolve in caucus, where the iron rule of party discipline overawes every independent and manly desire at times, but the open field of discussion is the place to bring out the truths and facts that constitute the elements and character of our efforts and our party. The Democratic party of this Legislature has taken ground by resolution in caucus I discover, in favor of the Administration in its high-handed course of wrong and outrage, in forcing upon a people, against all precedent and justice, against the cardinal principle upon which it pretends to act, a Constitution, the offspring of swindle, fraud and violence. Such a course requires a defence from gentlemen upon this floor who support it.

But how does this position comport with the position held by the Democratic party in this State in 1855, when they took ground as follows:—

“Resolved, That while the Democracy of this State will faithfully adhere to all the compromises of the constitution, and maintain all the reserved rights of the States they deem this an appropriate occasion to declare their fixed hostility to the extension of slavery into Free Territory:—

“Resolved, That we regard the organization of bands of armed borderers, and their admission into the Territory of Kansas not as *bona fide* settlers, but for the forcible subversion of the rights of its legal electors, not only as a violation of the peace of the Union and the rights of the community at large, but as distinctly subversive of the intent of Congress, as declared in the bill organizing the said Territories, to have the people perfectly free to form their own domestic institutions in their own way, subject only to the Constitution of the United States; and that all power of the Federal and Territorial Governments should be exerted to redress these outrages, and vindicate the rights of the people thereof.”

It is remarkable how far the Democracy of this body have departed from their position, to sustain an Administration, of which they are the enslaved subjects, in a course of wrong and violence, for the redress of which, they but recently declared in State Convention, that all the power of the Federal Government should be exerted. The idea that “Bleeding Kansas” is any longer a hobby for the R-republican party to ride, I think is pretty well exploded—while still it is true, that at no time in her brief but unparalleled history has she been so severely tried as at the present, struggling beneath the iron rule of Executive power, and writhing be-

neath the wrongs of violence and fraud. The Kansas question is no longer local in its character, the issues that have grown out of it, spread all over our land, and are now being made by the National Democracy, the very test of fealty and political fellowship. The work of excommunication and decapitation is going on, and all the vast power and patronage of the Administration of this Government, is being brought to the consummation of the basest villainy under the name Democracy. Tammany Hall, in awful majesty, is sending forth its thunders against the noblest spirits of the Democracy of that city (without speaking disparagingly of any of the representation on this floor), and the political quillotine is producing its fearful results in every section of the land, to force men to succumb to the mandate of a Slaveocracy, more to be hated than the worst despotism on earth. The “Goose” test must be applied to every Port Master in power, and to every applicant for position under the Administration, and without a full endorsement of the favorite scheme now before Congress, no favors are received, and all patronage is withdrawn. The Administration may be under the stern necessity, perhaps, of pursuing such a course to preserve its identity, and secure a present triumph, but by so doing it abandons its vital principle of Squatter Sovereignty, and would over-ride the will and voice of our whole people as represented in Congress.

That body, after the most severe struggle that probably ever occurred between Liberty and Slavery in our National Councils, when, upon the one side were arrayed all the elements of hatred and despotism, and upon the other the broad and comprehensive impulses of patriotism and truth, recently decided, by a vote of reference of the question of Kansas admission to a select committee, to investigate its claims, and, if possible, to fathom the stupendous frauds connected with the “Leecompton Swindle.” But what does the Administration do? It gives the majority of such committee to the party opposed to such investigation, and who are now resisting it, and throwing every obstacle in the way of such a result. When was there ever such treatment to the People and their Representatives? I do not wonder that the chairman of that committee said, in reference to this subject, that “The occasion is one of the gravest import. It is little less than for Congress, by a legislative act, to make slaves of a whole community of white men. It is not a question of negro servitude at all.”

Again he says: “Before I will abase myself by an endorsement of the monstrous villainies which are said to have been perpetrated in the concoction and consummation of this scheme of White Slavery, I will suffer crucifixion head downwards.” This is the language of a Democratic leader in Congress, and, as I have before remarked, must be the doctrine of the Democratic party of this country, if it will be consistent with its professions, or the whole concern must go into a speedy liquidation, and be among the things that were. The same deep plan, devised by the hot-headed disunionists of the South, and thus far winked at and executed by the ruling power of the Government, so far as its preliminary operations in Kansas are concerned, is now being consummated by a Democratic Congress, and the Government at Wash-



ington. Acknowledging the supreme right of the people to make their own laws and form their own institutions, under the Constitution of the United States and its protection; and having the incontrovertible evidence, and which, too, is not denied, from every Democratic Governor sent to preside over the destinies of that people, that they have been outraged from the beginning, and had no fair expression of their will—still the Democratic party in power, at all hazards, presses its determined opposition to investigation and light, and thus wilfully and blindly overrides every Democratic constitutional right, and the loudest professions of popular liberty. If the people should rule, why not heed the large majority recently given against the Constitution now before Congress by the people of the Territory, when called together by the Acting Governor (Stanton), to give a free expression of their choice in regard to that instrument, *without "fraud or violence"*?

It is idle to say, that at the Constitutional election provided by the Constitution, the majority were in favor of that instrument, as now sustained by the Administration, recognizing and perpetuating Slavery in that Territory, for all the machinery of government was so shaped, by such Convention, as to throw into and hold in the hands of the pro-slavery minority in the Territory the whole apparatus of said election, by appointing a new set of election officials, the complete tools of such Convention, entirely irresponsible to the proper authority; and also requiring the returns of such election to be made to Mr. Calhoun, the President of said Convention, responsible to no one, and with absolute power over such returns. Why not respect the governing power of the Territory? Why not allow these returns to come before a Democratic Governor? Because it was well known by that Convention, which was hostile to such power, from past developments of iniquity and fraud, that the base villainies which they intended to perpetrate, and which they did accomplish in such election, would never be allowed. Hence the Convention kept the whole machinery in its own hands, and by cruel and unjust provisions relative to such election prevented every honest actual resident from participating in it. One half of the counties were shut out from the privileges of such election by the wilful neglect of the parties of registration, while a large portion of the Free State voters in the counties where such act was recognized, were designedly omitted, and thus prohibited the right of voting. Again, it required all who participated, to take oath to support the Constitution and laws in force in the Territory; which Constitution, if adopted in either shape as proposed by the Convention, with or without Slavery, still acknowledged it as one of the institutions of the Territory; for it expressly provided that no action on the part of people or legislature should interfere with Slavery as it then existed among them. Should the Constitution be adopted—*"with no Slavery"*—it would still exist with them as they then had it, with all its fruitful increase; but without any further importation of slaves, should it be adopted—*"with Slavery"*—it would acknowledge full sweep to the Constitution, with all its prolific sources of power arising from importation, as well as natural increase. What an artful scheme to defraud the people,

and still treacherously calculated to answer the demand and just right of the people, to be heard at the ballot box, for or against the Constitution. Hence the necessity and the paramount justice of the Acting Governor in this exigency; while the people were raging with fury, outraged at the crimes committed against their dearest rights, and which had arisen heaven-high in their enormity, to heed their united cry for delivery from these wrongs, which he felt to be real as well as they, and call the Legislature together to devise means for their protection.

They met, as a Democratic body, fresh from the people, with a Democratic Governor at their head, who held in his pocket the instructions of a Democratic President and Administration, *"to give the people a free expression of their will, without fraud or violence,"* in the adoption of their Constitution, and which required him, as he says in substance, not to depart from such instructions under any circumstances or emergency whatever. Under a high sense of exact justice, the great Democratic principle of *"Popular Sovereignty"* before their eyes and filling their hearts, appealing to all honest men for support, they enacted, upon the advice of the Governor, that all the people, the actual bona fide inhabitants, should meet at a specified time, unmolested, without interference from any source, and vote for the Constitution or against it.

The result is before the Country and Congress. The people of the Territory were moved throughout all its vast extent and numerous precincts, and decided, by a vote of over ten thousand majority, against said Constitution. With this state of facts on record, with this astonishing and clear development of *"Squatter Sovereignty"* before the President and Congress, they are forcing upon the vast masses of the people of Kansas against their will a Constitution of a small minority of about two thousand pro-slavery men in that Territory. If, sir, there be any point in the fabulous idea of old, we should think that the gods were making the President and his advisers mad, that they might destroy them. At all events their destruction will come. Were they ignorant of the facts, or had they reasons to question this state of things there might be some excuse for them. But the case is plain. Governors and Secretaries of their own choice, pro-slavery in their tendencies and desires, all appeal to them to heed the facts, and not take the course they are pursuing, unless they wish to abandon every sacred guarantee they have given, and ignore the great fundamental principles of constitutional right and Democratic faith. Gov. Wise denounces it as anti-Democratic, and subversive of the very foundation upon which that party has built its tower of strength.

But, sir, it is said that this scheme will succeed—that the Administration is powerful enough to force it through Congress, and upon an outraged people. From present appearances I do not doubt it. It was thought, sir, that we could hardly endure the blow that was struck at the liberties that grow out of our obligations and rights under a *"higher law,"* in 1850, and again dealt out to us in 1854 by the Democratic party in this country, which, to be sure, has upheaved the great deep of our political sea, still I do not know but it is indispensable that this last grand tragedy in the great play of ruin, concocted by the enemies of our liberty, and un-

wisely participated in by a Democratic Administration, and upheld by some upon this floor, should be played out and the end designed accomplished. But woe to the participants in this scheme! They will meet their just reward at the hands of a people, who cannot be sold, but who will, if necessary, go forth to help their fellow-citizens in Kansas to throw off an oppression they have forced upon them against their loud appeals for redress and relief. The patriots of "76" had sufficient cause for declaring themselves free from a foreign rule of injustice, as attested by the favor of Heaven, that rested upon their efforts to secure such a result, and brought them out into the "land of promise." How much more reason to resist have our fellow citizens in Kansas, being forced into the Union with a Constitution conceived in fraud, and against their will, subversive of all the rights of a free citizen, at this noon-day of our existence, with the full light of liberty beaming upon us? I would not, sir, utter one word in favor of disorder, disunion, or strife; but the argument of non-intervention and submission I hear from the supporters of the Administration upon the floor of this House, would lead me to stand still, and see not only branch after branch of the glorious tree of liberty, in whose shade we have all reared our aspiring natures, cut off and destroyed; but to witness the glorious old relic of an early day of struggle, planted by our patriot fathers and watered by their blood, taken out by the very roots, without a remonstrance or a struggle. Where resistance to oppression and outrage in our government should begin, is a problem perhaps to be solved. But I have yet to learn that it is Democratic and just to submit to what is now being perpetrated upon a portion of our people. I received my lessons of devotion to my country and its liberties, from the lips of patriot ancestors, who never counseled such ignoble submission, and I should prove recreant to the highest impulses of my nature, if I would not sympathize with, and lend a hand, to every man or people struggling to be free.

I am glad, Mr. Chairman, of the privilege of speaking out my sentiments as one invested with the prerogatives of a representative upon this floor, and thus more prominently give my adhesion to the great and fundamental doctrines that underlie all our institutions, and give tone and character to all our effort to secure the right. Whatever may be the result of this discussion, the great question of human liberty and the inalienable rights of our fellow-citizens under whatever sun they dwell, will surely find protection in the warm sympathy and great heart of the hosts of freemen in this land. Like the deep irresistible current of the mighty river, moving on quietly but majestically to the ocean, so the tide of human progress, moved by a powerful hand, and controlled in its course by the expansive power of free thought, will rush on to the great ocean of our country's destined success, and bury deep in its mighty waters the last vestige of human bondage. The issues connected with the subjects of this discussion are not altogether political in their nature, though intimately connected with our political character and the governmental policy of the country. They enter into every ramification and labyrinth of our moral, social, intellectual and religious systems, and have become already incorporated in-

to our varied being. A want of manly independence in its defence, and a strict adhesion to the eternal truth that is the bottom stone of our political fabric:—"That all men are created equal, endowed by their Creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness," is the most lamentable fact of the age. In the pursuit of wealth, chasing after the illegitimate rewards of a degrading and unholy ambition, we have lost sight of the old land marks, to which, when in the severest storms and struggles connected with our early history, we were wont to cling and feel secure. To this leading star in our system, the eye of the true Patriot has always turned, and following its course, has been led triumphantly through every struggle, where the great fundamental principles of truth were its basis and its hope.

It is to be regretted that we have departed from the simplicity and integrity of our patriot Fathers, who, as evinced by their whole lives of devotion to their country's highest good, lost sight of their own personal aggrandizement and honor, only as that condition resulted from the high character of their country. Unlike the immortal Patriot, our own Washington, whose name is a familiar household word where civilization and christianity have left the impress of a higher life, who, after having earned a crown, resigned it, and preferred to retire into the bosom of his admiring country, the great majority of our leading men, would rather seize upon that crown and *satten* upon the very substance and life of their country. A high principle of moral rectitude; a profound regard for the simple truths of the Declaration, and an inflexible adherence to the sublime principles of action, that grow out of human responsibility, are all losing their power over men in the political world, when they should shine forth in all their beauty and splendor.

We are learning too fast. It is nothing now-a-day to become a Statesman in a day, to jump to a "full grown Solomon," in the political world, at one leap of disgraceful flibustering or accident, when there is no ballast or weight of character, that an age of study and an honorable experience has secured. It is only upon the latter condition of things the country can rely, and feel a perfect security. I would cast no reflections upon the younger element of our times, which is too much given to buncombe, and too little to sound practical effect and sense; but regret that no higher and nobler purpose moves it onward, than is seen in its aims and efforts. In politics, so far as applicable to our advanced career, let us return to early doctrines and early integrity, and, by cutting loose from party, as such, save as it affords a laudable means for the development and practical carrying out of the great distinctive doctrines of a free, just and an enlightened government, stand out upon the high ground of independent thought and action.

An inflexible adherence to party, and not to principle, is the curse of our day. A disposition to argue ourselves into a wrong position, if necessary, to be regular in our party, instead of a close examination to see if our position comports with true principle and exact justice, is more and more becoming the continued round of our efforts. We cling to our leaders with too great tenacity, regardless of the thousand considerations that cluster around them, to influence

and destroy, without ever thinking that we are men for ourselves, and should pursue a line of policy based upon our own judgment and conscience. This fact, for which the Democratic party alone are responsible, so far as it relates to the unfortunate condition of Kansas, is the great reason why the President, under the heavy pressure of Southern interest, dares to throw over that Territory, in the shape of the Lecompton Constitution, the dark pall of American Slavery, and blast the rising hopes of an Empire of Free-men.

Let us like true men but assert our independence, go back to first and holier principles, ask that good faith and sacred promises be preserved, speak as well as think and feel, and the Administration would fall back from its mad course of wrong, the country would breathe easier from the relief, and Kansas, bleeding at every pore, would leap from her deep gloom and begin a race of hope and prosperity. Our national halls would no longer be the scene of mortal combat, the argument of bludgeons and weapons of death would be displaced by the higher and nobler considerations of reciprocal regard, and all the energies and powers of Government be directed to benefit and elevate the people, rather than distract and degrade them.

In one word, I stand upon the doctrines that protected Freedom in the earlier days of the republic; that projected and sustained all its safeguards, and in the language of another, a noble Patriot would say: "That upon this question as upon every other that involves the extension of Slavery, I stand by the Constitution. I stand where Washington stood! I stand where Jefferson, the author of the Declaration of Independence stood! I stand where Patrick Henry, where Lee, and where Harrison stood! I stand, sir, where the Patriots of Old Virginia stood in her best days! I stand, sir, where Adams and Sherman, and Jay, and Hooper, and Caswell, and Gadsden, and the Rutledges stood during the revolutionary contest for Freedom! There the path is marked by the blood of the revolution. I stand in company with the men of '87, their locks wet with the mists of the Jordan over which they passed—their garments purple with the waters of the Red Sea, through which they led us of old to this land of promise. With them to point the way, however dark the *present*, hope shines brightly on the *future*; and, discovering their footprints in my path, I shall tread it with unfaltering trust."